

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Phillips	)	ATTORNEY DOCKET:	01723326
		)		
SERIAL NO.:	09/481,207	)	GROUP ART UNIT:	1625
		)		
PATENT NO.:	6,489,346	)	EXAMINER:	Fan, J.
		)		
FILED:	January 1, 2000	)		
		)		
TITLE:	Substituted Benzimidazole Pharmaceutical Compositions			
		)		
DATE:	September 12, 2007	)	CUSTOMER NO.:	26565
		)		

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Mail Stop Post Issue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO CORRECT SMALL ENTITY STATUS  
PURSUANT TO 37 C.F.R. § 1.28(c)**

Dear Sir:

This Request relates to Patentee's prior submission dated August 27, 2002 (copy attached), requesting the PTO to change Patentee's entity status from a small entity to a large entity. As detailed below, Patentee respectfully requests the PTO (a) modify its record to reflect such change; and (b) charge Deposit Account No. 13-0019 in the amount of \$1,340.00 to cover the difference between the large and small entity fees for the issue fee and first maintenance fee and the processing fee pursuant to 37 C.F.R. § 1.17(i).

On June 27, 2002, the Patentee's entity status changed from small to large entity. On July 9, 2002, the issue fee was inadvertently paid as a small entity. On August 27, 2002, Patentee notified the PTO that its entity status had changed and authorized the Office to charge its deposit account for the deficiency amount of, at that time, \$640.00. On October 2, 2002, the PTO mailed a communication stating that the amendment from the Applicant dated August 27, 2002 had been entered (copy attached). Nevertheless, our Deposit Account records from August through December 2002 do not indicate that a charge of \$640.00 was ever posted to our account, and the records of the PTO still indicate that Patentee claims small entity status. On June 5, 2006, the first maintenance fee was inadvertently paid as a small entity.

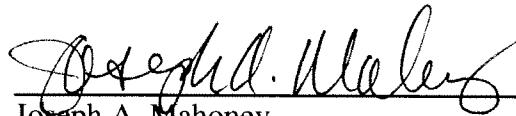
In August 2007, the undersigned examined the records and determined that the entity status was never changed by the PTO in 2002. Accordingly, Patentee hereby authorizes the PTO to charge a total of \$1,340.00, to cover the deficiency amount for the issue fee and first maintenance fee of \$1,210.00 and the processing fee of \$130.00, to Deposit Account No. 13-0019.

Calculation of the amounts owed are made as follows:

Payment Type	Original Payment (as small entity)	Current Payment (as large entity as of August 2007)	Deficiency
Issue Fee	\$640.00	\$1,400.00	\$760.00
First Maintenance Fee	\$450.00	\$900.00	\$450.00
Processing Fee	N/A	\$130.00	\$130.00
<b>TOTAL Payment:</b>			<b>\$1,340.00</b>

If there are any additional fees due in connection with the filing of this communication, please charge these additional fees (or credit any overpayment) to Deposit Account No. 13-0019. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and such fee should also be charged to our Deposit Account. Thank you.

Respectfully submitted,



Joseph A. Mahoney  
Reg. No. 38,956

**MAYER BROWN LLP**  
P.O. Box 2828  
Chicago, Illinois 60690-2828  
Telephone: (312) 701-8979  
Facsimile: (312) 706-9000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,207	01/11/2000	JEFFREY OWEN PHILLIPS	40015630-003	5317

7590 10/02/2002

JOSEPH A. MAHONEY  
MAYER, BROWN & PLATT  
P.O. BOX 2828  
CHICAGO, IL 60690-2828

[REDACTED] EXAMINER

FAN, JANE T

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1625

33

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

33

DATE MAILED:

**Response to Rule 312  
Communication**

- The petition filed \_\_\_\_\_ under 37 CFR 1.312(b) is granted. The paper has been forwarded to the examiner for consideration on the merits.

\_\_\_\_\_  
Director,  
Patent Examining Group \_\_\_\_\_

- The amendment filed 8/27/02 under 37 CFR 1.312 has been considered, and has been:

- entered.  
 entered as directed to matters of form not affecting the scope of the invention (Order 3311).  
 disapproved. See explanation below.  
 entered in part. See explanation below.

*Isaac Ahler*

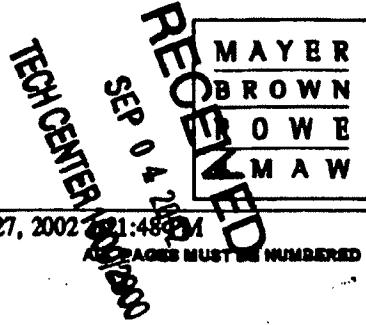
**Publishing Division**



## FACSIMILE COVER SHEET

190 S. LaSalle  
Chicago, IL 60603-3441

Main phone: (312) 782-0600  
Main fax: (312) 701-7711



**FROM:** Zobeida G. Beal  
**Direct phone:** (312) 701-8610  
**Direct fax:** (312) 706-8248

**Date/time:** Tuesday, August 27, 2002 13:48:21  
**Pages:** 02

ALL PAGES MUST BE NUMBERED

**TO THE FOLLOWING:**

Name	Company	Fax #
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Independent Mexico City Correspondent: Jauregui, Navarrete, Nader y Rojas, S.C.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:  
Jeffrey O. Phillips

Serial No. 09/481,207

Allowed: May 24, 2002

Filed: January 11, 2000

For: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE  
FORMS AND METHOD OF USING SAME

Box: Issue Fee  
Commissioner for Patents  
Washington, D.C. 20231

OK to Enter

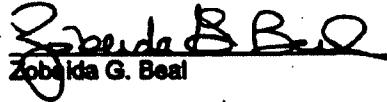
## TRANSMITTAL LETTER

) Group Art Unit: 1625

) Examiner: Jane T. Fan

CERTIFICATE OF FACSIMILE  
TRANSMISSION

I hereby certify that this letter for United States Patent Serial Number 09/481,207, is being facsimile transmitted to the United States Patent and Trademark Office, Box: ISSUE FEE, fax number (703)-305-4372, on the date shown below.

  
Zobaida G. Beal

Date: 8/27/02

We advise the United States Patent and Trademark Office that the Applicant, the Curators of the University of Missouri, has changed its entity status from a small entity to a large entity.

As the issue fee submitted was based on the small entity status, we hereby authorized the Commissioner to charge the additional fee of \$640.00 directly to our Deposit Account No. 13-0019.

It is requested that the Patent Office kindly acknowledge receipt of this letter via return facsimile.

Respectfully submitted,

By:

  
Joseph A. Mahoney  
Reg. No. 38,956

Dated: 8/27/02

MAYER, BROWN, ROWE & MAW  
P.O. Box 2828  
Chicago, Illinois 60690-2828  
(312) 701-8979



Attorney Docket: 01723326

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:  
Jeffrey O. Phillips

) Group Art Unit: 1625  
)  
) Examiner: Jane T. Fan

Serial No. 09/481,207

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Allowed: May 24, 2002

"Express Mail" mailing label number EV113714404US

Filed: January 11, 2000

Date of deposit 9 Junc 2002

For: NOVEL SUBSTITUTED BENZIMIDAZOLE  
DOSAGE FORMS AND METHOD OF USING  
SAME

I hereby certify that this paper or fee is being deposited with  
the United States Postal Service "Express Mail Post  
Office to Addressee" under 37 CFR 1.10 on the date  
indicated above and is addressed to Assistant  
Commissioner for Patents, Washington, D.C. 20231

Official Draftsperson  
Commissioner for Patents  
Washington, D.C. 20231

Joseph A. Mahoney  
(typed or printed name of person mailing  
paper or fee)

JAM  
Signature of person mailing paper or fee)

**TRANSMITTAL LETTER**

In response to the Correction of Informalities – 37 C.F.R. 1.85, mailed on May 24, 2002, with the Notice of Allowability, Applicant encloses the formal drawings, which consists of figures 1-4.

The Commissioner is hereby authorized to charge any fees, if required, on this transaction to our deposit account 13-0019.

The Office is requested to contact the undersigned if there are any issues regarding this Response.

Respectfully submitted,

Joseph A. Mahoney  
Registration No. 38,956

Mayer, Brown, Rowe & Maw  
P.O. Box 2828  
Chicago, Illinois 60690-2828  
(312) 701-8979

Dated: July 9, 2002

1/2

FIG. 1

6489346

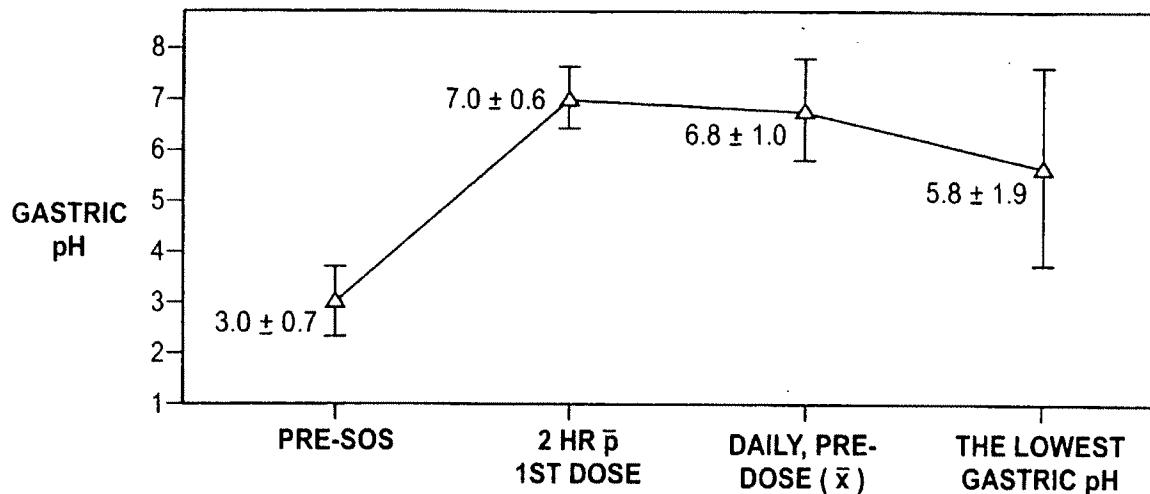


FIG. 2

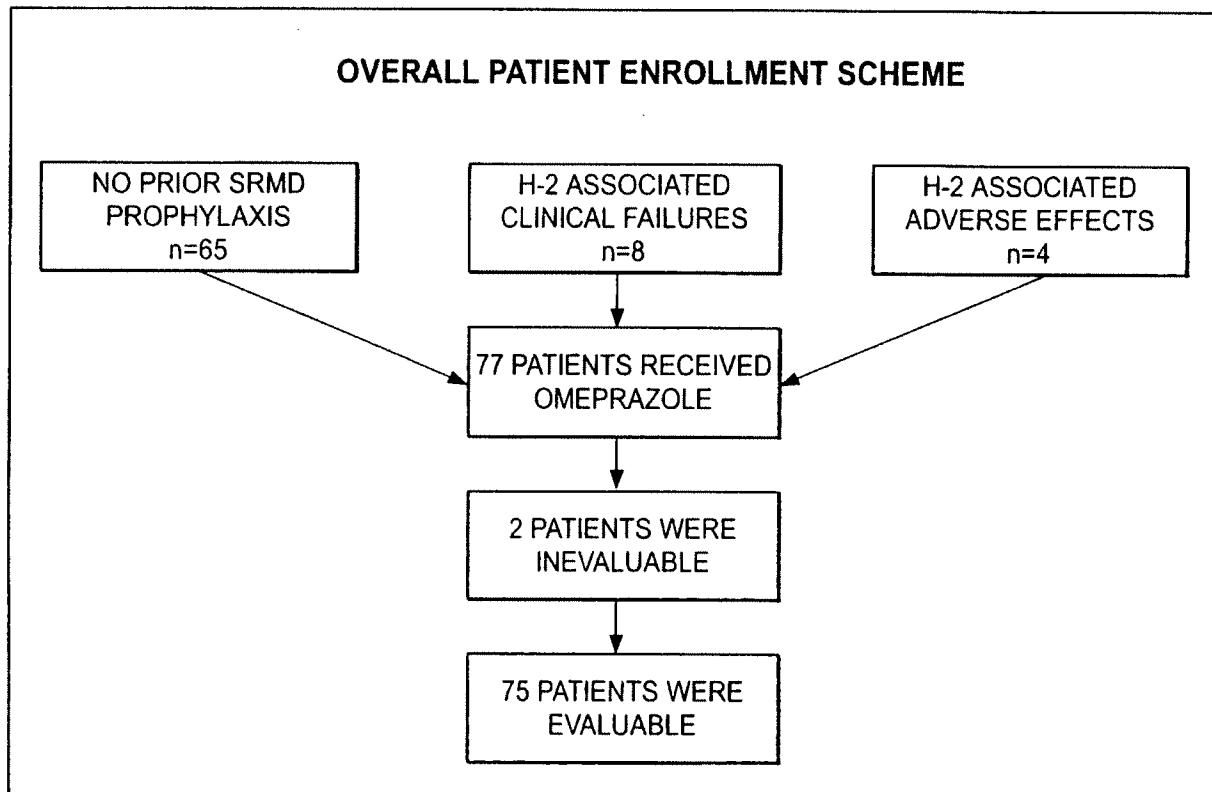


FIG. 3

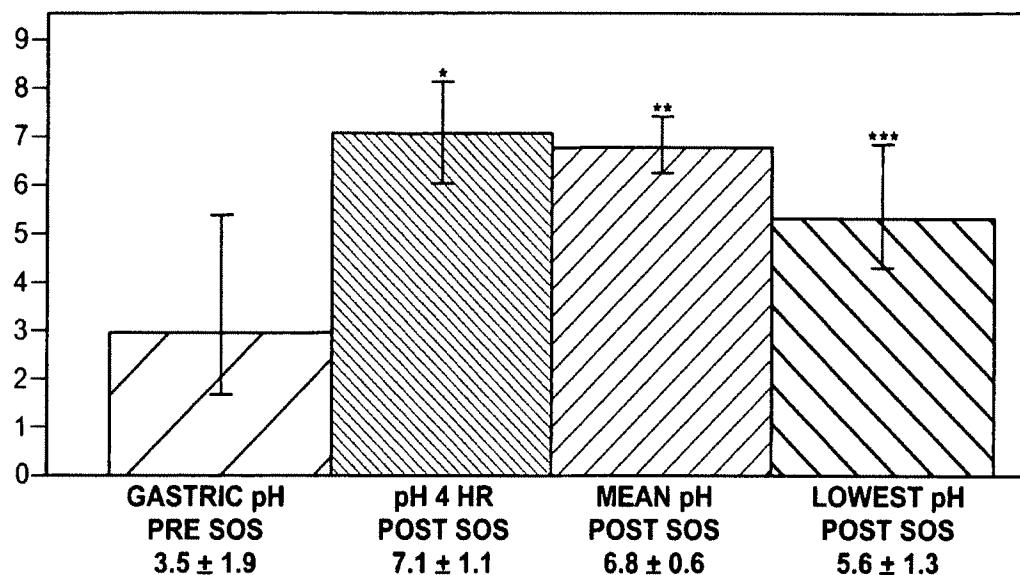
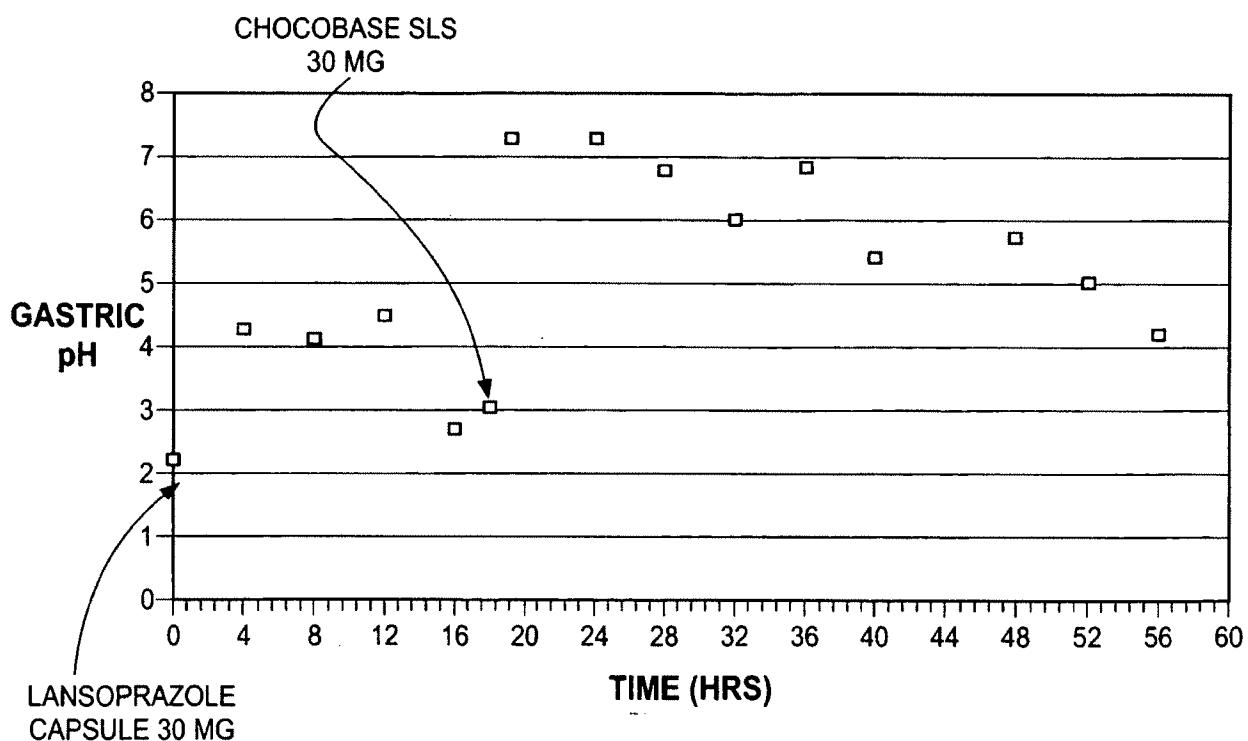


FIG. 4



JULY 9 2002

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JOSEPH A. MAHONEY  
MAYER, BROWN & PLATT  
P.O. BOX 2828  
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MAYER, BROWN, ROWE  
& STIEBEL

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Transmitter, M. Ferguson	Operator name
<i>[Signature]</i>	Date
<i>[Signature]</i>	9/14/02
	2002

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONVERSATION NO.
09/08/2002	01/11/2002	MAYER, BROWN, ROWE & STIEBEL	400-300-003	3317

TITLE OF INVENTION: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND METHOD OF USING SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
provisional	YES	\$640	\$0	\$640	09/26/2002

EXAMINER	ART UNIT	CLASS-SUBCLAS
YANKEY	1633	314-3310000

1. Change of correspondence address or indication of "Fee Address" (7 CFR 1.53).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/123) attached.

"Fee Address" indication (or "Fee Address" indication form PTO/SB/47) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Mayer, Brown, Rowe & Maw

2. Joseph A. Mahoney

3. Thomas R. Stiebel

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

The Curators of the University of Missouri Columbia, Missouri

Please check the appropriate assignee category or categories (will not be printed on the patent)  individual  corporation or other private group only  government

4a. The following fee(s) are enclosed:

4a. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-308 is attached.

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Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

Attn: Small Entity 7-9-02

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